

IN RE: PETITION FOR SPECIAL HEARING
N/S Trenton Road, 1800' W of
the c/l of Dark Hollow Road
5th Election District
3rd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

John W. Armacost, Jr., Trustee
Petitioner

Case No. 93-235-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owner of the subject property, John W. Armacost, Jr., Trustee. The Petitioner requests a special hearing to approve the non-density transfer of 10.446 acres, identified as Parcel "A" on the site plan, to the Piney Branch Golf and Country Club, Inc. for non-residential club purposes, and the retention of the allowable two density units associated with the entire parcel to remain with Parcel "B" for future subdivision, all as more particularly described on the site plan submitted and identified herein as Petitioner's Exhibit 1.

Appearing on behalf of the Petitioner was Newton A. Williams, Esquire. There were no Protestants at the hearing.

Testimony indicated that the subject property, located on the north side of Trenton Road in northern Baltimore County, consists of 39.548 acres, more or less, the majority of which is zoned R.C.2 with a very small sliver at the southernmost tip of the site zoned R.C.4. This property has a unique and unusual configuration in which two of the holes of the adjoining Piney Branch Golf Course run directly through its center. The Petitioner is desirous of transferring Parcel "A" of his property, containing 10.446 acres, more or less, to the Piney Branch Golf and Country Club, Inc. for agricultural purposes only, and retaining the two density units associated with the entire parcel for inclusion with the remaining

acreage in Parcel "B". It is obvious when viewing Petitioner's Exhibit 1, that given the strange configuration of the Petitioner's property, Parcel A should be transferred to the Country Club as requested.

After due consideration of the testimony and evidence presented, it is clear that the non-density transfer of the subject 10.446 acre parcel would be for agricultural purposes only and would further the purpose and intent of the R.C.2 zone as set forth in Section 1801.1A of the Baltimore County Zoning Regulations (B.C.Z.R.). As such, the request for non-density transfer shall be granted. Furthermore, I find that granting the relief requested would not be contrary to the spirit and intent of the B.C.Z.R. and would not be detrimental to the public health, safety or general welfare. However, I do find it necessary to make a determination concerning the density associated with the remaining 29.102 acres of land, identified as Parcel "B" on Petitioner's Exhibit 1.

It has been stated, and it is clear, that the transfer of Parcel "A" to the Piney Branch Golf and Country Club, shall in no way be construed to be for any purpose other than a non-density transfer. Therefore, pursuant to the R.C. 2 regulations set forth in the B.C.Z.R., the two density units associated with the subject property shall be retained by Parcel "B", which contains 29.102 acres, as I find that to be the proper amount of density associated with this particular parcel.

As a condition of the relief granted, it shall be incumbent upon the Petitioner to record in the Land Records of Baltimore County new deeds describing the parcels of land which have been created pursuant to this case. Said deeds shall reference this case and set forth and address all terms and conditions of the relief granted. A copy of each of the two recorded deeds shall be forwarded to the Zoning Administration Office for

inclusion in this case file.

Finally, I am in receipt of a letter dated February 18, 1993 from the Executive Director of the Valleys Planning Council, Inc. It should be noted that I have taken into consideration the concerns raised in their letter when making this decision.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of March, 1993 that the Petition for Special Hearing requesting approval of the non-density transfer of 10.446 acres, identified as Parcel "A" on the site plan, to the Piney Branch Golf and Country Club, Inc. for non-residential agricultural purposes, and the retention of the allowable two density units to remain with Parcel "B" for future subdivision, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within sixty (60) days of the date of this Order, the Petitioner shall cause to be recorded among the Land Records of Baltimore County the appropriate deeds incorporating the relief granted herein. A copy of each recorded deed shall be forwarded to the Zoning Administration Office for inclusion in this case file.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

March 1, 1993

(410) 887-4386

Newton A. Williams, Esquire
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
N/S Trenton Road, 1800' W of the c/l of Dark Hollow Road
(Piney Branch Golf and Country Club)
5th Election District - 3rd Councilmanic District
John W. Armacost, Jr., Trustee - Petitioner
Case No. 93-235-SPH

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

Petition for Special Hearing

93-235-SPH
to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 504.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

A non-density transfer of Parcel "A" of 10.446 Acres to Piney Branch Golf and Country Club, Inc. for non-residential club purposes and the retention of the allowable two density units to the remaining Parcel "B" for future subdivision, as schematically shown on the attached plan. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Newton A. Williams, Esquire

(Type or Print Name)

Signature

700 Court Towers, 210 W. Pennsylvania Ave.

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 823-7800

Legal Owner(s):

JOHN W. ARMACOST, JR., TRUSTEE

(Type or Print Name)

John W. Armacost, Jr., Trustee

Signature

(Type or Print Name)

Signature

5854 Colfax Avenue, L-301-86A-4341

Address

Alexandria, VA 22311

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Newton A. Williams

Name

700 Court Towers, 210 W. Pennsylvania Avenue

Address

Towson, Maryland 21204

City and State

Phone No.

823-7800

Phone No.

Phone No.

Phone No.

Phone No.

Phone No.

Phone No.

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Phone No.

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Phone No.

Phone No.

Phone No.

LEO W. RADER
REGISTERED PROFESSIONAL SURVEYOR

HYDROGRAPHY
TOPOGRAPHY
GEODESY

SUBDIVISION ENGINEERING
TITLE SURVEYS
LAND PLANNING

38 Belfast Road - Timonium, Maryland 21093 Phone: (410) 252-2920

January 6, 1993
DESCRIPTION TO ACCOMPANY A PETITION FOR A ZONING SPECIAL HEARING
TRENTON ROAD (NO NUMBER)

BEGINNING for the same on the east side of Trenton Road at point measured South 75 degrees 00 minutes East 12.5 feet from a point in the centerline of said road measured southwesterly 1800 feet more or less along said centerline from its intersection with the centerline of Dark Hollow Road, thence binding on the outline of all of the remainder of the parcel of land secondly described in a deed dated September 13, 1963 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4204 Folio 327, which was conveyed by Fred J. Ebeling and wife to Thomas E. Shilling and wife, by the seventeen following courses and distances respectively, viz: North 22 degrees 27 minutes 40 seconds East crossing Trenton Road 1872.79 feet, North 45 degrees 10 minutes 38 seconds West 802.57 feet, North 5 degrees 53 minutes 23 seconds East 535.89 feet, South 83 degrees 13 minutes 26 seconds West 731.61 feet, South 22 degrees 35 minutes 02 seconds West 1473.02 feet, South 73 degrees 28 minutes 57 seconds East 374.07 feet, North 50 degrees 24 minutes 36 seconds East 610.00 feet, North 9 degrees 35 minutes 24 seconds West 242.00 feet, North 52 degrees 35 minutes 24 seconds West 515.00 feet, North 22 degrees 35 minutes 02 seconds East 400.20 feet, South 52 degrees 38 minutes 09 seconds East 775.30 feet, South 9 degrees 38 minutes 09 seconds East 923.35 feet, South 76 degrees 19 minutes 45 seconds West 611.60 feet, South 16 degrees 46 minutes 51 seconds West 459.18 feet, North 77 degrees 21 minutes 05 seconds East 300.30 feet, South 42 degrees 02 minutes 55 seconds East 292.50 feet and South 3 degrees 00 minutes 55 seconds East crossing Trenton Road 471.68 feet to the place of beginning.

CONTAINING 39.548 acres more or less.

ITEM # 237

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 3rd
Posted for: Special Hearing
Petitioner: John W. Armacost, Jr.
Location of property: N/S Trenton Rd., 1800' W of Dark Hollow Rd.
Location of Sign: Piney Branch Golf and Country Club, Inc. (Piney Branch Golf and Country Club)
Remarks: [illegible]
Posted by: [illegible]
Number of Signs: 1
Date of Posting: 4/1/93
Date of return: 4/1/93

CERTIFICATE OF PUBLICATION

TOWSON, MD., 214, 19 93

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 214, 19 93

THE JEFFERSONIAN,

S. Zake Orlow
Publisher

\$70.44

Baltimore County
Zoning Administration &
Development Management
Office of Planning and Zoning

1/13/93 H9300237

PUBLIC HEARING FEES: [illegible] QTY: [illegible] PRICE: [illegible]
040 - SPECIAL HEARING (OTHER) 1 X \$250.00
LAST NAME OF OWNER: ARMACOST JR TOTAL: \$250.00

0404800461MCHRC
00 C003747PH01-13-93
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Administration &
Development Management
Office of Planning and Zoning

1/13/93 H9300237

PUBLIC HEARING FEES: [illegible] QTY: [illegible] PRICE: [illegible]
040 - SPECIAL HEARING (OTHER) 1 X \$250.00
LAST NAME OF OWNER: ARMACOST JR TOTAL: \$250.00

0404800461MCHRC
00 C003747PH01-13-93
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 2/8/93

John W. Armacost, Jr.
5854 Colfax Avenue
Alexandria, VA 22311

RE: CASE NUMBER: 93-235-SPH (Item 237)
N/S Trenton Road, 1800' (+/-) W of c/l Dark Hollow Road
Piney Branch Gold & Country Club, Inc.
5th Election District - 3rd Councilmanic
Petitioner(s): John W. Armacost, Jr., Trustee
HEARING: FRIDAY, FEBRUARY 19, 1993 at 11:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 70.44 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JABLON
DIRECTOR

cc: Newton A. Williams, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 JAN 25 1993 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-235-SPH (Item 237)
N/S Trenton Road, 1800' (+/-) W of c/l Dark Hollow Road
Piney Branch Gold & Country Club, Inc.
5th Election District - 3rd Councilmanic
Petitioner(s): John W. Armacost, Jr., Trustee
HEARING: FRIDAY, FEBRUARY 19, 1993 at 11:00 a.m. in Rm. 106, Office Building.

Special Hearing to approve a non-density transfer of Parcel "A" of 10.446 acres to Piney Branch Golf and Country Club, Inc. for non-residential club purposes and the retention of the allowable two density units to the remaining Parcel "B" for future subdivision.

Arnold Jablon
Director

cc: John W. Armacost, Jr.
Newton A. Williams, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 February 9, 1993 (410) 887-3353

Newton A. Williams, Esquire
Nolan, Plumbhoff and Williams
700 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. 93-235-SPH, Item No. 237
Petitioner: John W. Armacost, Jr., Trustee
Petition for Special Hearing

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 13, 1993 and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: [Signature] Date: 2/1/93

Project Name: Francis M. and Phyllis K. Coppersmith
File Number: 236 Waiver Number: 1-25-93 Meeting Date: NC

DED DEPRM RP STP TE
John W. Armacost, Jr., Trustee 237 NC

DED DEPRM RP STP TE
Michael I. and Gail G. Brooks 238 NC

DED DEPRM RP STP TE
Steven E. Meconi 242 NC

DED DEPRM RP STP TE
Richard P. and Lenore E. Koors 243 NC

DED DEPRM RP STP TE
Charles H. and Beatrice G. Payne 245 NC

DED DEPRM RP STP TE
Carl T. and Edward V. Julio 246 NC

COUNT 9 251 NC

Stonegate at Patapsco (Aerial Property)
90476 ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

FINAL TOTALS
COUNT 20

*** END OF REPORT ***

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-20-93

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: + 237 (ET)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

DPZ/Strategic Planning (Design Review Section)
Development Review Committee Response Form
Authorized Signature: [Signature] Date: 01/27/93

Project Name: Connelly Funeral Home
File Number: 230 Waiver Number: 1-19-93 Meeting Date: NC

DED DEPRM RP STP TE
Orville M. Jones 231 NC

DED DEPRM RP STP TE
Louis A. Slavotinek 232 NC

DED DEPRM RP STP TE
Jack J. Basel 234 NC

COUNT 10

G & R No. 3, Inc. 233 Comment 1-25-93

DED DEPRM RP STP TE
Congregation Darchei Tzedek, Inc. 235

DED DEPRM RP STP TE
Francis M. and Phyllis K. Coppersmith 236 NC

DED DEPRM RP STP TE
John W. Armacost, Jr., Trustee 237 NC

DED DEPRM RP STP TE
Michael I. and Gail G. Brooks 238 NC

DED DEPRM RP STP TE
Steven E. Meconi 242 NC

DED DEPRM RP STP TE
Richard P. and Lenore E. Koors 243 NC

DED DEPRM RP STP TE
Charles H. and Beatrice G. Payne 245

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: [Signature] Date: 2/1/93

Project Name: Francis M. and Phyllis K. Coppersmith
File Number: 236 Waiver Number: 1-25-93 Meeting Date: N/C

DED DEPRM RP STP TE
John W. Armacost, Jr., Trustee 237 N/C

DED DEPRM RP STP TE
Michael I. and Gail G. Brooks 238 N/C

DED DEPRM RP STP TE
Steven E. Meconi 242 N/C

DED DEPRM RP STP TE
Richard P. and Lenore E. Koors 243 N/C

DED DEPRM RP STP TE
Charles H. and Beatrice G. Payne 245 N/C

DED DEPRM RP STP TE
Carl T. and Edward V. Julio 246 N/C

COUNT 9 251 N/C

Stonegate at Patapsco (Aerial Property)
90476 ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

FINAL TOTALS
COUNT 20

*** END OF REPORT ***

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 JANUARY 25, 1993 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JOHN W. ARMACOST, JR., TRUSTEE
Location: #PINEY BRANCH GOLD AND COUNTRY CLUB, INC.
Item No.: +237 (RT) Toning Agenda: JANUARY 25, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature]
Planning Group
Special Inspection Division

JP/KEK

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)
February 18, 1993

Mr. Timothy Kotroco
Assistant Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

HAND DELIVERED

Re: Case Number 93-235-SPH
Trenton Road

Dear Mr. Kotroco:

I regret that a conflicting court case prevents me from appearing before you on the above referenced issue. Therefore, I respectfully submit this letter to express the views of The Valleys Planning Council.

On Wednesday, February 17, 1993, the board of The VPC met in executive session and voted unanimously to express to you our grave concerns with regard to the request by Mr. John Armacost for a non-density subdivision of his RC 2 parcel to the Piney Branch Golf and Country Club while retaining the right to subdivide the residual acreage.

It is our belief that a division of one non-density parcel while retaining the right to subdivide further the remaining acreage into two additional lots adds up to a total of three parcels which is in conflict with Bill No. 178-79 and the Baltimore County Zoning Regulations.

To quote from BOCR, 1A01.3:

No lot of record lying within an RC 2 zone and having a gross area of less than 2 acres may be subdivided. No such lot having a gross area between 2 and 100 acres may be subdivided into more than 2 lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of 1 lot for each 50 acres of gross area.

The intent here is not one of restricting density in the RC 2 zone, but one of restricting subdivision within the RC 2 zone.

However, it is our understanding that such a non-density transfer is routinely acceptable if the transfer is supportive of and beneficial to agriculture.

14-16-93 SAT 17:40 10-11-93 TUESDAY MD 2962765 #306 P01

NEWTON A. WILLIAMS
THOMAS J. BERNER
WILLIAM F. ENGLISH, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GUSHAW
STEPHEN M. SCHENKING
DOUGLAS L. BURGESS
ROBERT E. CARROLL, JR.
E. BRUCE JONES, III
J. JOSEPH CURRAN, III
CHRISTINE K. MCHERRY

LAW OFFICES
NOLAN, PLUSHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX (410) 296-2765

TELETYPE COVER PAGE

TELEFAX (410) 296-2765

DATE: January 14, 1993 CLIENT/MATTER NO.: 3518/01
TELECOPIER TELEPHONE NUMBER: 887-5701
TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 1
TO: David Kelley, Esq. and The Evered Stephens
FIRM: Zoning Administration and Development Management
TELEPHONE NUMBER TO CONFIRM RECEIPT: 887-3391
FROM: Newton Williams
RE: Armacost Special Tranny Trunked R. 2 plan
IF FOR ANY REASON YOU NEED TO CONTACT US, PLEASE CALL
Newton Williams at 823-7800

Dear David and Sam,
I filed this case with Reg on January 13th.
He noted on the file - please [redacted] in February.
[redacted] as I am scheduled to be an Architect.
I will on Park View and [redacted] Thanks.
With best regards of the new year, Sam
Sincerely,
Newton Williams

CONFIDENTIALITY NOTICE
WARNING: Unauthorized interception of this telephonic communication could be a violation of Federal and Maryland law.

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information is prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

52678

NEWTON A. WILLIAMS
THOMAS J. BERNER
WILLIAM F. ENGLISH, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GUSHAW
STEPHEN M. SCHENKING
DOUGLAS L. BURGESS
ROBERT E. CARROLL, JR.
E. BRUCE JONES, III
J. JOSEPH CURRAN, III
CHRISTINE K. MCHERRY

LAW OFFICES
NOLAN, PLUSHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX (410) 296-2765

November 15, 1993

Honorable Lawrence W. Schmidt, Zoning Commissioner
for Baltimore County
Office of Planning and Zoning
Suite 113, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: John W. T. Armacost, Jr.
Case No. 93-235-SPH

Dear Commissioner Schmidt:

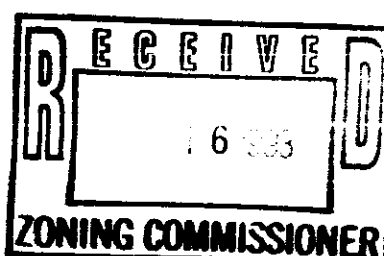
Enclosed please find copies of the deeds in reference to the above captioned case.

If you have any questions, please do not hesitate to give me a call.

Very truly yours,

Pamela S. Savage
Secretary to Douglas L. Burgess

Enclosure



NO TITLE SEARCH EXAM
FOR ZONING PURPOSES ONLY
NO CONSIDERATION
DEED TO ADD ZONING RESTRICTION

29.1016 ACRES
Trenton Road

THIS DEED, Made this 20th day of SEPTEMBER
in the year one thousand nine hundred and ninety-three, by and between JOHN W.T. ARMACOST, JR., Trustee under Trust created under the Last Will and Testament of J.W.T. ARMACOST, party of the first part, and JOHN W.T. ARMACOST, JR., Trustee, party of the second part.

WITNESSETH, That in consideration of the sum of Zero Dollars (\$0.00) the said JOHN W.T. ARMACOST, JR., Trustee, does grant and convey to the said JOHN W.T. ARMACOST, JR., Trustee under Last Will and Testament of J.W.T. Armacost, his successors and assigns, in fee simple, all that lot of ground situate in Baltimore County and described as follows, that is to say:

See Exhibit A attached hereto and incorporated herein (description of 29.1016 acres by Leo W. Rader, Registered Professional Surveyor dated July 8, 1992).

Being part of 40.212 acres described in previous deeds to wit,

1) As to source of one-half (1/2) undivided interest, see Deed of Distribution dated August 6, 1987 from John W.T. Armacost, Jr. and Rose Tracey McKee, Personal Representative of the Estate of J.W.T. Armacost to John W.T. Armacost, Jr., Trustee under the Last Will and Testament of J.W.T. Armacost recorded in the Land Records of Baltimore County at Liber 7847, Folio 331. See also Estate of J.W.T. Armacost, Case No. 57859, Orphan's Court for Baltimore County for said Will of J.W.T. Armacost dated February 21, 1983 establishing Trust.

2) As to source of other one-half (1/2) undivided interest, see Deed dated December 17, 1987 from Samuel E. Smelser, Jr., Personal Representative of the Estate of Lula May Shilling to John W.T. Armacost, Trustee under Last Will and Testament of J.W.T. Armacost, recorded in the Land Records of Baltimore County at Liber 7769, Folio 753.

ZONING RESTRICTION:

The Grantors and Grantees, there successors and assigns acknowledge the terms and conditions of Case No. 93-235-SPH before the Deputy Zoning Commissioner of Baltimore County copy attached hereto, whereby this transfer is intended to be a

RECEIVED
JAN 15 1993
10-18-93

Is grantor conveying a non-density parcel? If yes, enter amount:
No
Yes
Partial conveyance? If yes, amount of acreage transferred: 29.1016 ACRES
List improvements conveyed:
If subdivision occurred after July 1, indicate former property tax ID number:
A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time.
Yes ☐ No ☐ Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage:
Complete description of property conveyed (subdivision, by block, section, plat ref., acreage):
Location and improvement address:
Location and improvement address:
Terminal Verification
Agricultural Verification
Tax Process Verification
Whole ☐ Disc ☐ Part ☐
Deed Reference
Assigned Property No

LIBER 1 0076 PAGE 4 19

10.446 acres
Trenton Road

THIS DEED, Made this 20th day of SEPTEMBER
in the year one thousand nine hundred and ninety-three, by and between JOHN W.T. ARMACOST, JR., Trustee under Trust created under the Last Will and Testament of J.W.T. ARMACOST, party of the first part, and PINEY BRANCH GOLF AND COUNTRY CLUB, INC., A Maryland Corporation, party of the second part.

WITNESSETH, That in consideration of the sum of Fifty Thousand Dollars (\$50,000.00) the said JOHN W.T. ARMACOST, JR., Trustee, does grant and convey to the said PINEY BRANCH GOLF AND COUNTRY CLUB, INC., its successors and assigns, in fee simple, all that lot of ground situate in Baltimore County and described as follows, that is to say:

See Exhibit A attached hereto and incorporated herein (description of 10.446 acres by Leo W. Rader, Registered Professional Surveyor dated July 8, 1992).

Being part of 40.212 acres described in previous deeds, to wit,

1) As to source of one-half (1/2) undivided interest, see Deed of Distribution dated August 6, 1987 from John W.T. Armacost, Jr. and Rose Tracey McKee, Personal Representative of the Estate of J.W.T. Armacost to John W.T. Armacost, Jr., Trustee under the Last Will and Testament of J.W.T. Armacost recorded in the Land Records of Baltimore County at Liber 7847, Folio 331. See also Estate of J.W.T. Armacost, Case No. 57859, Orphan's Court for Baltimore County for said Will of J.W.T. Armacost dated February 21, 1983 establishing Trust.

2) As to source of other one-half (1/2) undivided interest, see Deed dated December 17, 1987 from Samuel E. Smelser, Jr., Personal Representative of the Estate of Lula May Shilling to John W.T. Armacost, Trustee under Last Will and Testament of J.W.T. Armacost, recorded in the Land Records of Baltimore County at Liber 7769, Folio 753.

ZONING RESTRICTION:

The Grantors and Grantees, there successors and assigns acknowledge the terms and conditions of Case No. 93-235-SPH before the Deputy Zoning Commissioner of Baltimore County copy attached hereto, whereby this transfer is intended to be a non-

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE-LETTER OF INTENT
SIGNATURE: [redacted] DATE: 11/15/93
Partial conveyance? If yes, amount of acreage transferred: 10.446 ACRES
List improvements conveyed:
If subdivision occurred after July 1, indicate former property tax ID number:
A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time.
Yes ☐ No ☐ Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage:
Complete description of property conveyed (subdivision, by block, section, plat ref., acreage):
Location and improvement address:
Location and improvement address:
Terminal Verification
Agricultural Verification
Tax Process Verification
Whole ☐ Disc ☐ Part ☐
Deed Reference
Assigned Property No
Distribution: Whole - Clerk's Office - County - Office of Finance - Pub. - SDAT - Government - Progress

R. 40 ZONE

1200.12-"Farming..." etc. deleted by Bill No. 85, 1967
200.12a-Farm and Limited-acreage wholesale flower farm, in accordance with Section 404. [Bill No. 85, 1967]
200.12b-Animal boarding place, Class A and Kennel, in accordance with Section 421. [Bill No. 85, 1967]
200.13-Signs in accordance with the provisions of Section 413.
200.14-Escavations, uncontrolled.
200.15-Special Exceptions: The following uses when permitted as Special Exceptions (see Sections 270 and 302):

Airport;
Animal boarding place, Class B; [Bill No. 85, 1967]
Antique shop, outside the Metropolitan District Boundaries (see Section 402B); [Bill No. 85, 1967]
Boarding or rooming house;
Board, yard; [Revised by Bill No. 64, 1963]
Cemetery (see Section 401);
Commercial beach, with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area, and board (rental); [Bill No. 64, 1963]
Community buildings, swimming pool, or other structural or land use devoted to civic, social, recreational and educational activities; off-street parking areas shall be provided to such extent and be so located as the zoning Commissioner or County Board of Appeals, on appeal, shall agree to be needed in relation to their surroundings; [Bill No. 64, 1963]
Conservatory, music and the arts; [Resolution, November 21, 1956]
Convalescent home;
Conversion of a dwelling into a tea room or restaurant as con-
firmed in Section 402;
Escavations, controlled (see Section 403);
Funeral establishment;
Golf course, country club or other outdoor recreation clubs; also quasi-public camps including day camps, but no such parking lot, or golf course, shall be located on a building, shall be located within 60 feet of any residential property line; [Bill No. 64, 1963 and Bill No. 85, 1967]
Golf driving range, miniature golf, and baseball; [Bill No. 85, 1967]
Hospital, Class B (see Section 407);
Laboratory, if on a site of 15 acres or more (see Section 418.4); [Bill No. 76, 1964]

1/ Thus in Bill No. 85, 1967

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R. 40 ZONE

Marina; [Bill No. 64, 1963]
Poultry, commercial (killing of); [Bill No. 85, 1967]
Private colleges, nursery or dancing schools, dormitory and fraternity and sorority houses, but excluding day and trade schools; [Revised by Resolution, August 1967, Resolution, November 21, 1956; Bill No. 85, 1967]
Public utility uses other than those noted in Section 2 (see Section 411);
Race track, commercial;
Radio studio;
Research institute, other than those permitted under Residential or other, outside the Metropolitan District Boundaries (see Section 402C); [Bill No. 85, 1967]
Siding stable, commercial;
Sanitary landfill; (see Section 412);
Shooting range;
Television studio;
Theatre, drive-in;
Tourist home;
Trailer park;
Veterinarian's office; [Bill No. 85, 1967]
Volunteer fire company;
Wireless transmitting and receiving structure, except radio antenna in conjunction with transmitting and receiving operator's license issued by the Federal Communications Commission; [Bill No. 64, 1963]
Wireless structure, antenna, or an accessory structure, shall be considered an accessory structure, or an accessory structure, and, as such, is permitted special exception, provided:

a) that, if it is an accessory structure, it shall be to the provision of Section 400; and further
b) that, if it is a radio-structure antenna, it shall be higher than 50 feet above grade level and structure thereof shall be closer than 10 feet property line; and, further,
c) that, if it does not extend closer to the street lot front than the front building line; like

200.16-Junk yards and open dumps as defined in Sec. 400.16, existing junk yards in this or any other residential zone, or open dumps in any zone shall be completely eliminated no later than the date of effectuation of this amendment.

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1955 Regulations
ARTICLE 2-ZONES, USE, HEIGHT, AND AREA REGULATIONS

R. 40 Zone-Residence, One-Family

Section 200-USE REGULATIONS
The following uses only are permitted:
200.1-One-family detached dwellings.
200.2-Conversion of a one-family dwelling as conditioned in Section 402.

200.3-Churches and other buildings for religious worship, including church schools and private schools.
200.4-Trailers, as limited by Section 415.

200.5-Country club, golf course, or other outdoor recreation clubs, including club house, and quasi-public camps, including day camps, but no such use shall be located on less than 3 acres, and no building or parking lot thereon shall be located within 60 feet of any property line.

200.6-Community building, swimming pool, or other structural or land use devoted to civic, social, recreational and educational activities of the community.

200.7-Offices of a doctor or dentist but with no hospital facilities, and offices or studios of a lawyer, architect, engineer, or artist, when these or offices of similar professions are situated in the same dwelling used by any of the foregoing persons as his residence. Not more than 25% of the floor area of the dwelling shall be used for offices or studios; not more than one professional professional associate and two non-resident employees shall be permitted. Signs are prohibited except as noted in Section 413.

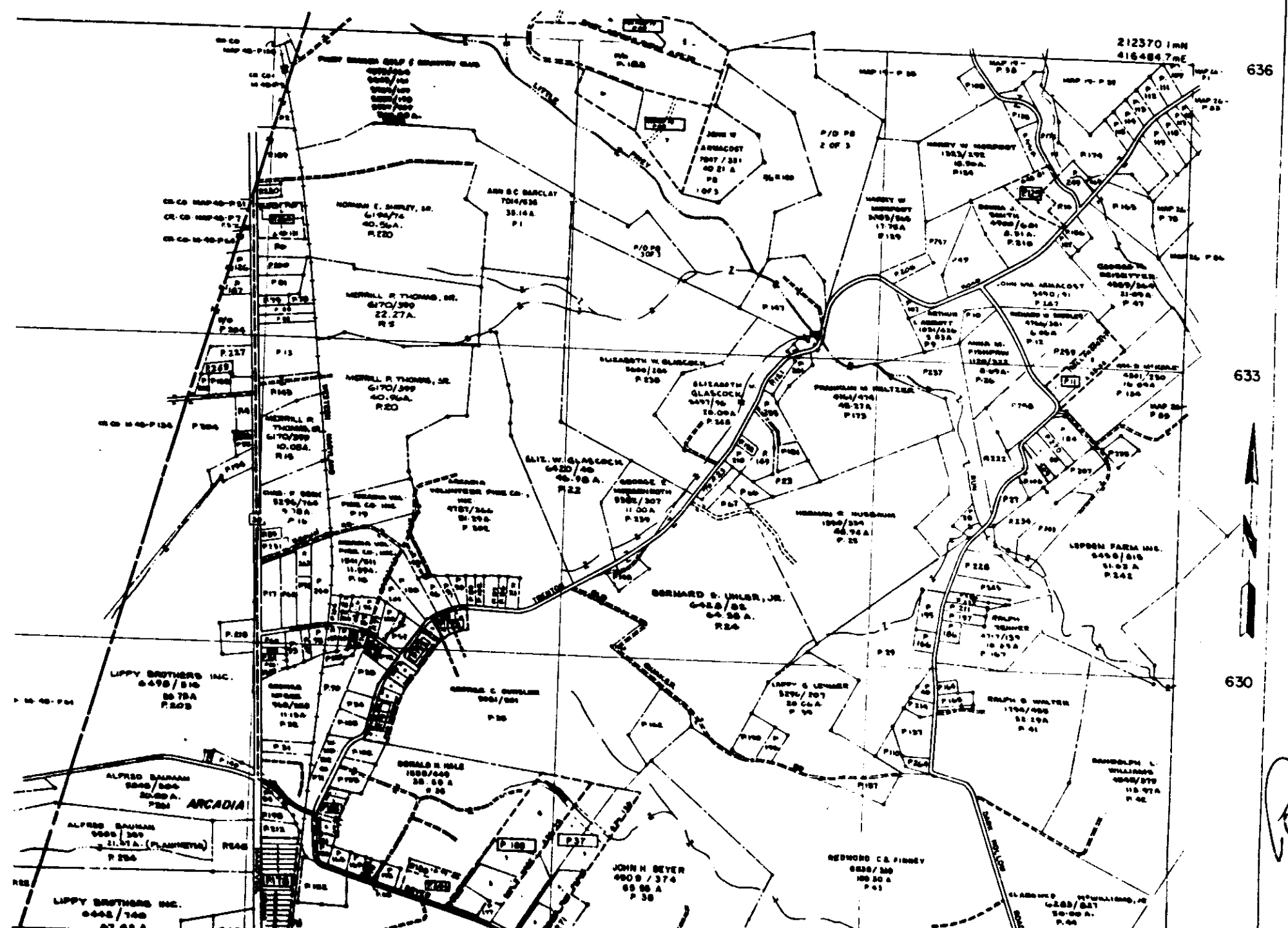
200.8-Home occupations, as heretofore defined in Section 101, provided that no sign shall be displayed except as noted in Section 413.

200.9-Accessory buildings and uses as limited by Section 400.

200.10-Hospitals, Class A, as defined in Section 101 and as limited by Section 407.

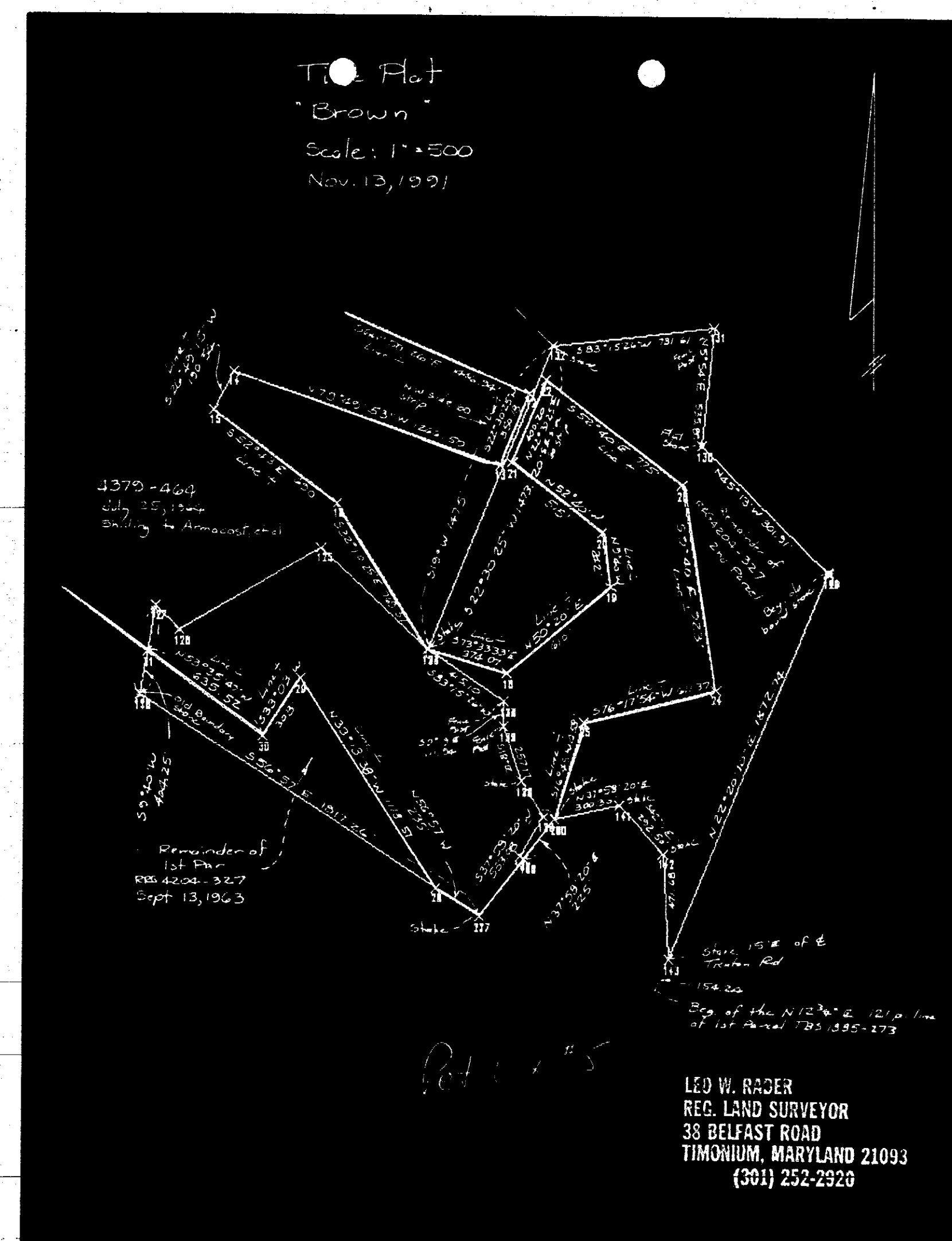
200.11-Public utility uses as follows:
a. Telephone and telegraph lines.
b. Electric light and power lines, including transformers and transformer banks, when located on poles, on or contiguous

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Map 25

Ref #2



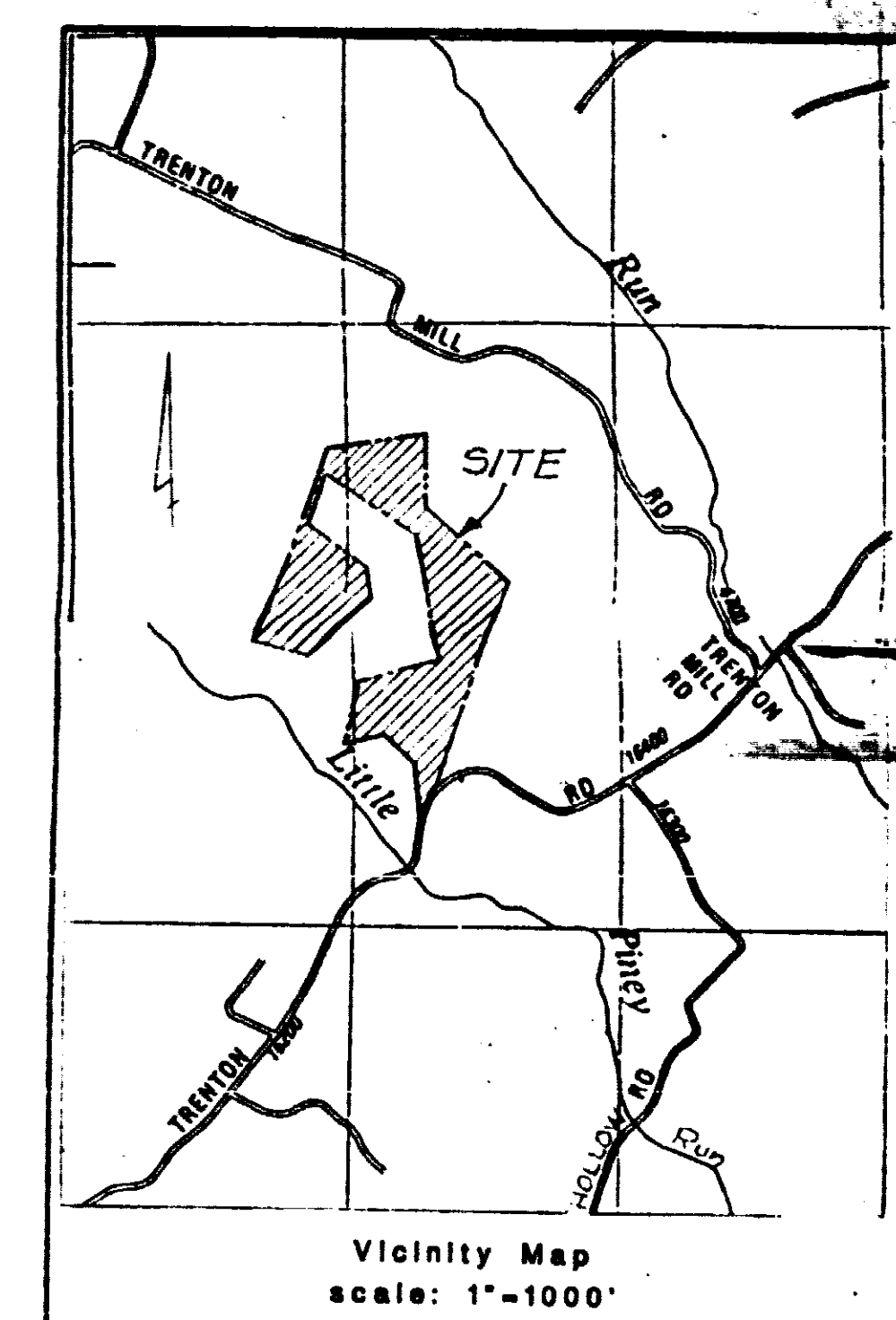
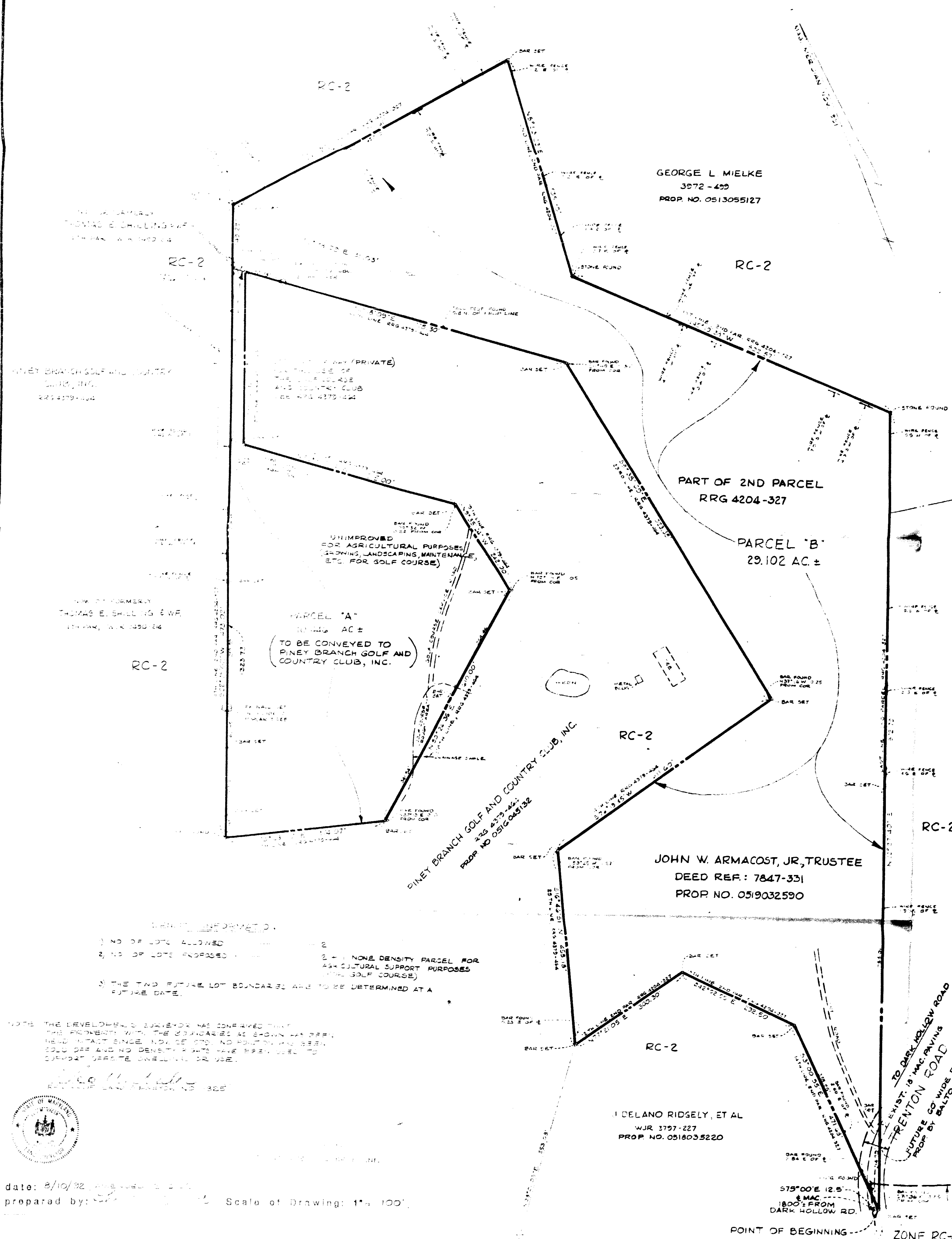
PREPARED BY
 LEO W. RADER
 REG. PROF. LAND SURVEYOR
 38 BELFAST ROAD
 TIMONIUM, MD 21093
 PHONE: (410) 252-2920
 October 29, 1992

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 PHOTOGRAPHIC MAP
 NW 26-J
 SCALE: 1" = 200' +/-

LEO W. RADER
 REG. LAND SURVEYOR
 38 BELFAST ROAD
 TIMONIUM, MARYLAND 21093
 (301) 252-2920

PROPERTY ADDRESS: TRENTON ROAD (NO NUMBER)

OWNER: JOHN W. ARMACOST, JR., TRUSTEE
DEED 7947-33,
PROP. NO. 051032590



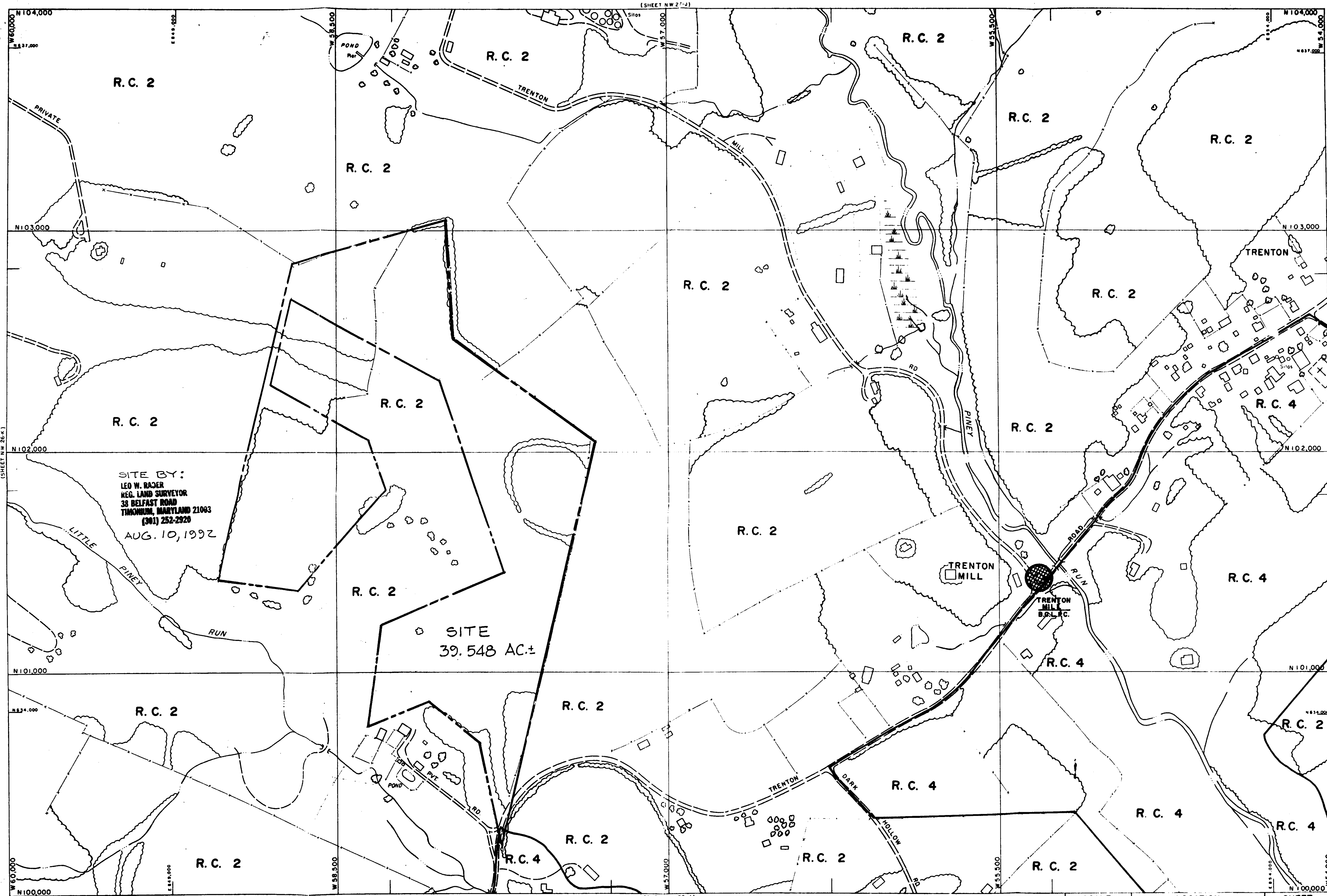
LOCATION INFORMATION

Councilmanic District: 3RD
Election District: 5TH-BALTO. CO.
1"-200' scale map #: NW 26-J
Zoning RC-2 AND RC-4
Lot size: 39,546 1,782.701
 acres square feet

Pet Lix #1
 SEWER: ☐ public ☒ private
 WATER: ☐ ☒
 Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings:
NONE KNOWN

Zoning Office USE ONLY !
 reviewed by: ITEM #: CASE #:



93-235-SPH